

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE: )  
)  
MICHELLE A. BAKER, ) CASE NO. 07-23273 JPK  
) Chapter 7  
Debtor. )  
\*\*\*\*\*  
STACIA L. YOON, )  
Plaintiff, )  
v. ) ADVERSARY NO. 11-2155  
MICHELLE A. BAKER, )  
Defendant. )

ORDER FOR HEARING PURSUANT TO FED.R.BANKR.P.  
7055/FED.R.CIV.P. 55(b)(2)

This adversary proceeding was commenced by a complaint filed by Stacia L. Yoon, Trustee of the Chapter 7 bankruptcy estate of Michelle A. Baker (case number 07-23273) on October 10, 2011. Service of process was properly made upon the defendant and the defendant failed to appear to otherwise respond to the complaint. An entry of default has been made by the Clerk. On January 26, 2012, the plaintiff filed a motion for default judgment.

The complaint seeks to revoke the debtor's discharge, apparently pursuant to an undesignated sub-section of 11 U.S.C. § 727(a). In this context, particularly with respect to determination of motions for default judgment in actions for either revocation of discharge or denial of discharge, it is extremely important that the plaintiff designate the specific section or sections of 11 U.S.C. § 727(a) upon which the complaint is premised. Absent that designation, the court will schedule a Rule 7055 hearing in almost every case.

The premise of the complaint appears to be that the Trustee received information that the debtor received the proceeds of an Illinois workmen's compensation action; made demand upon the debtor for remittance of those proceeds to the Chapter 7 Trustee; and that the debtor then did not remit the proceeds. The source of the information concerning the debtor's receipt of proceeds is not disclosed. In this context, it would be helpful if complaints of this nature

stated the source of information of receipt of proceeds, so that the court can be certain that the information was not derived from a message scrawled on the wall of a bathroom stall in a gas station in North Hammond, or from some other equally unreliable source.

There is a more critical issue in this adversary proceeding, however. Case number 07-23273 was initiated as a case under Chapter 13 by a petition filed on November 30, 2007. The case was converted to Chapter 7 by order entered on October 4, 2010. The original Schedule B filed in the case on November 30, 2007 stated in section 21 that the debtor had a claim for benefits under the Illinois Workers Compensation Act; paragraph 4 of the Statement of Financial Affairs – also filed on November 30, 2007 – again designated this action for benefits, and stated that it was “Pending”. 11 U.S.C. § 348(f)(1)(A) states that when a case is converted from Chapter 13 to another chapter of the Bankruptcy Code, “property of the estate in the converted case shall consist of property of the estate, as of the date of the filing of the petition, that remains in the possession of or is under the control of the debtor on the date of conversion”. The record in this case is silent as to when the debtor came into possession of proceeds of the workers compensation action and/or the amount of those proceeds subject to 11 U.S.C. § 348(f)(1)(A) on the date the case was converted.

It is necessary to conduct a hearing pursuant to Fed.R.Bankr.P. 7055/Fed.R.Civ.P. 55(b)(2) with respect to the matters addressed above.

IT IS ORDERED that a preliminary pre-trial conference will be held on **July 27, 2012, at 9:00 A.M.** pursuant to Fed.R.Bankr.P. 7055/Fed.R.Civ.P. 55(b)(2) to determine the course of further proceedings with respect to the plaintiff’s motion for default judgment.

Dated at Hammond, Indiana on June 20, 2012.

/s/ J. Philip Klingeberger  
J. Philip Klingeberger, Judge  
United States Bankruptcy Court

Distribution:  
Attorney for Plaintiff, Defendant